Calendar No. 361

102D CONGRESS *1st Session* | SENATE | REPORT 102-237

AUTHORIZING ADDITIONAL APPROPRIATIONS FOR LAND ACQUISITION AT MONOCACY NATIONAL BATTLEFIELD, MARYLAND

NOVEMBER 23 (legislative day, NOVEMBER 20), 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 990]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 990) to authorize additional appropriations for land acquisition of Monocacy National Battlefield, Maryland, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 990, as ordered reported, is to authorize additional appropriations for land acquisition at Monocacy National Battlefield in Maryland.

BACKGROUND AND NEED

Congress established Monocacy National Military Park in 1934 to commemorate the battle of Monocacy, which occurred on July 9, 1864.

In early July of 1864, General Ulysses Grant had removed most of his troops defending Washington, D.C. in order to apply pressure on Confederate General Robert E. Lee, whose army was located at Petersburg, Virginia.

Confederate General Jubal Early mounted a drive toward Washington to try and capture the capital and eliminate some of the pressure on Lee. Early's men pushed northward through Virginia and crossed the Potomac River near Sharpsburg, Maryland, where the Battle of Antietam had taken place two years earlier.

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Union General Lew Wallace, stationed at Baltimore, learned of Early's movements and moved what few troops that were available—approximately 2,300 men—to Monocacy Junction, the logical point of defense for both Baltimore and Washington. Not knowing which city Early intended to attack, Wallace placed skirmishers on what is now Route 40 to Baltimore, and also on the banks of the Monocacy to protect the route to Washington along the Georgetown Pike and the Baltimore & Ohio Railroad. Since Early was in fact advancing on Washington, the farms surrounding Monocacy Junction became the battlefield. On July 9, 1864, the Battle of Monocacy took place.

Wallace's troops were mainly recruits who had never been in battle before. Although they were joined by 5,000 Union troops under Brigadier General James Ricketts, the combined Wallace and Ricketts forces were no match for Early's 18,000 men, and the Confederate forces were eventually able to gain victory. However, the battle lasted the entire day, continuing until the morning of July 10th. Although Early was able to advance to Fort Stevens inside the District of Columbia, the 24-hour delay gave General Grant enough time to return sufficient troops to defend Washington.

The 1934 enabling legislation for the battlefield did not authorize funds for land acquisition, instead providing for acquisition of lands only by donation. In 1976, the enabling legislation was amended to authorize approximately $3.5 million for acquisition of up to 1,000 acres. The 1976 amendment also changed the name of the park to Monocacy National Battlefield. The battlefield boundary was expanded by Congress again in 1978 and 1980.

Currently, the National Park Service is authorized to acquire 1,647 acres of land within the battlefield boundaries. The Park Service has acquired fee title to 833 acres and scenic easements to 182 acres. Most of the remaining land within the battlefield boundaries proposed to be acquired by the Park Service in fee is within the 240-acre historic C.K. Thomas farm and the 295-acre historic J. Best farm.

The land acquisition ceiling in the battlefield's enabling legislation is currently $3.535 million. In addition, the 1978 and 1980 amendments contained free-standing authorizations for land acquisition totaling $4.25 million, for a combined acquisition ceiling of $7.75 million. H.R. 990 authorizes an additional $20 million for land acquisition to allow the Park Service to acquire the remaining parcels within the battlefield boundary.

LEGISLATIVE HISTORY

H.R. 990 passed the House of Representatives by a voice vote on June 3, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 990 and S. 1230, identical legislation introduced by Senators Sarbanes and Mikulski, on November 7, 1991.

At the business meeting on November 20, 1991, the Committee on Energy and Natural Resources ordered H.R. 990 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on November 20, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 990 as described herein.

The rollcall vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad*	
Mr. Akaka*	
Mr. Fowler*	
Mr. Shelby*	
Mr. Wellstone	
Mr. Wallop	
Mr. Hatfield*	
Mr. Domenici	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Craig	
Mr. Seymour	
Mr. Garn	

*Indicates voted by proxy.

SUMMARY OF H.R. 990

H.R. 990 authorizes the appropriation of up to $20 million, in addition to other available funds, for acquisition of lands and interests in lands at Monocacy National Battlefield in Maryland.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 990. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 990, as ordered reported.

EXECUTIVE COMMUNICATIONS

On October 29, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 990. These reports had not been received at the time the report on H.R. 990 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with the views of the Department of the Interior on S. 1230 and H.R. 990, bills to authorize additional appropriations for land acquisition at Monocacy National Battlefield, located in Frederick County, Maryland.

Both bills would raise the ceiling in the Act of June 21, 1934, on appropriations for land acquisition at the Battlefield from $3,535,000 to $23,535,000.

Mr. Chairman, the National Park Service land acquisition program at Monocacy National Battlefield is nearly complete. We support the bills because they would authorize appropriation of sufficient funds to complete acquisition of the remaining parcels located within the boundary of this historically significant unit of the National Park System.

The Battle of Monocacy occurred on July 9, 1864, with Confederate forces under General Jubal T. Early and the Union forces commanded by General Lew Wallace. General Early had several objectives in his drive on Washington: (1) the capture of Washington and the probable resultant havoc; (2) the release of some Confederate prisoners held in Point Lookout, Maryland; and (3) the removal of some pressure from General Robert E. Lee. Although Union forces were far outnumbered and fairly easily defeated, the battle lasted an entire day, thus slowing General Early's journey to Washington until the morning of July 10. This delay of approximately 24 hours gave General Ulysses S. Grant enough time to return his troops to Washington and marshal a successful defense, although they arrived only some 2 hours ahead of General Early.

Monocacy National Military Park was created by an Act of Congress, on June 21, 1934. Acquisition funds were not appropriated, on the assumption that the battlefield land would be donated by owners at no cost to the Government. Donations never materialized and no lands were acquired.

In 1976, Public Law 94-578 amended the original 1934 Act to authorize $3,525,000 for acquisition of up to 1,000 acres. The amendment also changed the park name to Monocacy National Battlefield and required preparation of a master plan within 3 years. In 1978, Public Law 95-625 added approximately 587 acres to the Battlefield and authorized $3,500,000 for acquisition of these additions. Public Law 96-607 in 1980 further revised the boundary and authorized an additional $725,000 for land acquisition.

As a result of these amendments, the total that has been authorized for acquisition of the 1,647 acres of land within the battlefield is $7,750,000. The amount appropriated through fiscal year 1991 is $6,564,383. The unappropriated authorization is $1,185,617 and the National Park Service unobligated balance of funds already appropriated is about $400,000. The 1978 and 1980 authorizations were free standing, however, and intended to fund acquisition of the lands added to the Battlefield by those laws. The 1976 authorization of $3,525,000, which applied to the original 1,000 acres, has not been amended. The effect of the bills, therefore, would be to authorize an additional $20 million for acquisition.

However, the subcommittee should be aware that in increase in the authorized funding ceiling will not change the way the Administration budgets for land acquisition. Regardless of any authorized funding ceiling, the Administration prioritizes all land acquisition projects proposed for funding by its land-managing agencies. This project did not rank high enough to be included in the fiscal year 1992 budget.

Since 1976 the National Park Service has acquired 1,014 acres. Approximately 833 acres have been acquired in fee. Scenic easements have been acquired over approximately 182 acres. Most of the remaining land to be acquired in fee is part of the historic C.K. Thomas Farm (240 acres) and the historic J. Best Farm (295 acres). Acquisition of these lands will preserve and protect the historic Civil War battlefield scene as well as the significant historical structures.

The increased authorization proposed in the bills would be adequate to complete the land acquisition program at Monocacy National Battlefield. Funding of the authorization will, of course, be subject to the normal budgetary process.

That concludes my prepared testimony, and I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 990, as ordered reported.

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